



0000030909

305R

RECEIVED

BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

2001 MAY 31 P 2:43

MAY 31 2001

AZ CORP COMMISSION
DOCUMENT CONTROLWILLIAM A. MUNDELL
ChairmanJIM IRVIN
CommissionerMARC SPITZER
Commissioner

DOCKETED BY

IN THE MATTER OF THE APPLICATION)
 OF ENKIDO, INC. FOR A CERTIFICATE)
 OF CONVENIENCE AND NECESSITY TO)
 PROVIDE COMPETITIVE FACILITIES-BASED)
 AND RESOLD LOCAL EXCHANGE,)
 EXCHANGE ACCESS, AND INTEREXCHANGE)
 ACCESS, AND INTEREXCHANGE)
 TELECOMMUNICATIONS SERVICES AND)
 PETITION FOR COMPETITIVE)
 CLASSIFICATIONS OF PROPOSED SERVICES)

DOCKET NO. T-03882A-00-0356

**STAFF'S RESPONSE TO
 APPLICANT'S REQUEST FOR
 AN EXTENSION OF TIME**

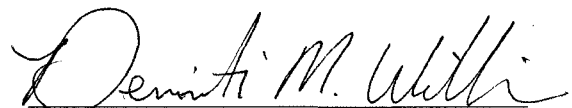
On May 24, 2000, Enkido, inc. ("Enkido") submitted to Docket Control of the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide competitive facilities-based and resold local exchange, exchange access, and interchange telecommunications services statewide.

On May 9, 2001, a hearing was held in this matter. At the hearing, Staff indicated that it was amending its recommendation with respect to the requirement of a performance bond. The amendment was an attempt to bring the old staff report in line with the new Commission performance bond policy. Enkido indicated that it would like additional time to respond to the amendment. On May 11, 2000, Enkido filed a response in which it requested waiver of the performance bond requirement, because it has filed updated audited financial statements, does not provide voice or dial services and isn't requiring customers to submit deposits, prepayments or advances in order to receive service.

Staff objects to Enkido's request of a waiver of the performance bond requirement, because the performance bond requirement is a Commission policy that is required of all facilities based applicants, regardless if their financials are audited or unaudited. Enkido has indicated in its May 11, 2000 response that it intends only to provide data services and not voice services. Even so, once

1 the certificate is granted, Staff's concern is that Enkido's certificate grants to it the authority to carry
2 voice services, which Enkido may decided to carry at a later date, which would not require additional
3 Commission notification. If this occurs, then Enkido could, as industry custom provides, require
4 customers to submit deposits, prepayments or advances in order to receive service. As such, in the
5 interest of efficiency in the application process and protecting consumers, it is Staff's contention that
6 a performance bond requirement is appropriate at this time. Accordingly, staff urges acceptance of
7 its recommendation of a performance bond.

8
9 RESPECTFULLY SUBMITTED this 31ST day of May 2001.

10
11
12 

13 Devinti M. Williams
14 Staff Attorney, Legal Division
15 Arizona Corporation Commission
16 1200 West Washington
17 Street
18 Phoenix, Arizona 85007
19 (602) 542-3402

20
21 Original and ten (10) copies
22 of the foregoing filed this
23 31ST day of May, 2001 with:

24 Docket Control
25 Arizona Corporation Commission
26 1200 West Washington Street
27 Phoenix, Arizona 85007

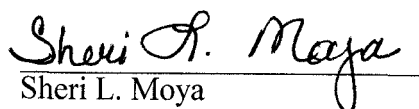
28 Copy of the foregoing were
mailed this 31ST day of May, 2001, to:

Ali Aliabadi
ENKIDO, INC.
401 Hackensack Ave., 5th Floor
Hackensack, New Jersey 07601

Timothy Berg
FENNEMORE CRAIG
3003 North Central Avenue, Suite 2600
Phoenix, Arizona 85012-2913

1 Debra Scott, Director
2 Utilities Division
3 ARIZONA CORPORATION COMMISSION
4 1200 West Washington Street
5 Phoenix, Arizona 85007

6
7 Arizona Service, Inc.
8 2627 N. Third Street, Suite Three
9 Phoenix, Arizona 85004-1104

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Sheri L. Moya